

LEVESON

INDUSTRY PROPOSAL

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| 1 | New regulator governed by an independent board appointed in an independent way. | ACCEPTABLE. We have already suggested seven members, four of them public and three press members who are not serving editors, along with appointments process in line with public appointment procedureindependent |
| 2 | Appointment of Chair by appointment panel, with panel appointed "in an appropriately independent way" | ACCEPTABLE. |
| 3 | Appointment panel should have "substantial majority" of independent members, one person with understanding of the press and no more than one current editor | ACCEPTABLE. Current proposal is for 2 lay people and 2 industry people on panel. We could accept two lay people, plus one 'with industry expertise' and one serving editor, but would argue for decisions to be unanimous. |
| 4 | Appointment of Board should be an independent process and the Board should include people with "relevant expertise". No serving editors on the Board. | ACCEPTABLE. |
| 5 | Members of the Board appointed by same appointments panel that appoint the Chair. Independent majority. Sufficient number of people with experience of industry - including former editors or academics, but no serving editors and no MPs or any member of the Government | ACCEPTABLE. Current proposal is no serving editors and independent majority. |
| 7 | Funding settled "in agreement between the industry and the Board". Board certifies an indicative budget as being "adequate." Funding settlements cover 4-5 year period. | ACCEPTABLE - BUT there must be a break clause so that either side can instigate a review if circumstances change |

8	Standards Code ultimately responsibility of the Board and Code Committee to 'advise' Board	NOT ACCEPTABLE. Code Committee remains a separate body - it must be the Editors' Code - but Trust Board must ratify Code changes before they come into effect
9	Code Committee may comprise independent members of the Board and serving editors	ACCEPTABLE. Code Committee to have majority of serving editors but with five public members including Chairman and CEO of regulator.
10	Code must cover respect for privacy, accuracy and "conduct in relation to the treatment of other people."	ACCEPTABLE. Code Committee to look at changes once reconstituted.
11	Board should require appropriate internal governance processes of subscribers, transparency and compliance	ACCEPTABLE. Current proposal offers new system of "compliance and enforcement to ensure a renewal of internal governance". Annual "audits" will be made public.
12	Board should ensure subscribers have adequate and speedy complaints handling processes and should not receive complaints until internal complaints system engaged	ACCEPTABLE.
13	Board should have power to hear complaints wherever they come from - including representative groups and third parties, with "views of the party most closely involved taken into account"	NOT ACCEPTABLE. Third party complaints only to be allowed at discretion of Complaints Committee where there is "substantial public interest". Group complaints only to be allowed on matters of accuracy.
14	Decisions on complaints ultimate responsibility of Board on advice from complaints handling officials	ACCEPTABLE. Decisions taken by Complaints Committee
15	Serving editors not on any Committee advising Board on complaints, with composition reflecting that of Board	ACCEPTABLE.
16	Complaints brought free of charge	ACCEPTABLE

17	Board has power "to direct appropriate remedial action for breach of standards and publication of corrections and apologies"	ACCEPTABLE. Code already stipulates corrections and apologies must be agreed with the regulator.
18	Board has power to direct "nature, extent and placement of apologies"	ACCEPTABLE. Code already stipulates corrections and apologies must be agreed with the regulator.
19	No power to prevent publication though it can offer advice "to editors" which can then be taken into account in civil proceedings	ACCEPTABLE - BUT pre-publication advice to editors which can be taken into account in civil proceedings would place editors under enormous pressure not to publish and place Board in an impossible position if it later had to adjudicate on a story on which it had offered advice not to publish.
20	Board has powers to examine issues on its own initiative and powers to carry out investigations into serious or systemic breaches of the code	ACCEPTABLE
21	Power to impose appropriate and proportionate sanctions, including fines of up to 1% of turnover, maximum £1 million	ACCEPTABLE
22	Board should ensure all breaches of the standards code are recorded as such and proper data is kept and made public to allow understanding of compliance records of titles	ACCEPTABLE.
23	Board publishes Annual Report covering subscribers, complaints numbers, summary of investigations, adequacy of compliance procedures and information about arbitration service	ACCEPTABLE.
24	Board should provide an arbitral process in relation to civil legal claims	ACCEPTABLE.
25	Newspapers should publish compliance reports in their own pages to ensure readers have access to information	ACCEPTABLE.
26	Named senior individual within each title responsible for	ACCEPTABLE.

compliance and standards

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| 27 | New regulator should consider establishing a kite mark | ACCEPTABLE. |
| | Early review of the Code with the aim of developing a clearer statement of standards expected of editors and journalists | ACCEPTABLE. Code Committee meeting today. |
| 28 | Allow complaints prior to legal proceedings | ACCEPTABLE - BUT editors should not be expected the defend complaints that are also the subject of legal proceedings. |
| 29 | Code amendment to allow the regulator to "intervene in cases of allegedly discriminatory reporting and in so doing reflect the spirit of equalities legislation" | UNACCEPTABLE. Very unclear what this means - could be interpreted that it gives regulator to intervene pre-publication and certainly implies that it would have power to direct content of publications. |
| 30 | Establish ring-fenced enforcement fund into which fines are paid for purpose of funding investigations | ACCEPTABLE |
| 31 | New regulator to provide advice to public and service to "warn the press" about potential intrusion | |
| 32 | Regulator should make clear newspapers are accountable for any material they publish, including photographs | ACCEPTABLE. Code already makes clear that editors are responsible for third party material. |
| 33 | New regulator to provide guidance on the public interest | ACCEPTABLE |
| 34 | Where public interest invoked, there must be a record of factors taken into account, along with reasons for decision | ACCEPTABLE. Code already makes clear there must be an "audit trail" for public interest decisions |
| 35 | Consider advisory service for editors in relation to public interest | ACCEPTABLE |

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| 36 | Encourage press to be "as transparent as possible" in relation to sources, including information to "help readers assess the reliability of information from a source" | UNACCEPTABLE EXCEPT AS AN ASPIRATION. Conflicts with requirement of the Code to protect sources. If interpreted strictly Guardian would have been unable to publish phone-hacking investigation. |
| 37 | Names of photographers alongside images | ACCEPTABLE - BUT may conflict with Code requirement to protect sources and identity of photographer may not be known to editor. |
| 38 | Establish a whistleblowing hotline | ACCEPTABLE |
| 39 | Include in employment contracts a clause to the effect that no disciplinary action will be taken against a journalist as a result of refusal to act in a manner contrary to the Code | ACCEPTABLE |
| 40 | Recognition and certification of the new regulator to rest with a recognition body. | ACCEPTABLE - BUT recognition body cannot be a body which the press otherwise have to hold to account, such as Parliament or the judiciary. Could be a panel headed by a very senior retired judge. |